

January 11, 1989

LB 341-372
LR 3, 5

able to assist other agencies, other investigating committees, other individuals who are involved. I have pledged my cooperation to some of them with whom I have visited. I know that Senator Chambers feels the same way. I know that other members of the committee feel the same way. I hope that we are all pursuing the same goals, same objectives and that we can work together. I want to say again that this committee will act with propriety, honesty and integrity. We intend to obtain the best counsel we possibly can and we intend to protect the rights of the innocent and to pursue those who might have been less than innocent. Mr. President and members, I ask for a positive vote on the resolution.

PRESIDENT: That was the closing. The question is the adoption of the resolution. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please. Record, Mr. Clerk, please.

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of LR 5.

PRESIDENT: The resolution is adopted. You have some new bills, Mr. Clerk.

CLERK: Mr. President, I do. New bills. Mr. President, Senator Labedz would like to have a meeting of the Reference Committee now in the Senate Lounge. Referencing Committee in the Senate Lounge, Mr. President, right now. Senate Lounge for Referencing Committee. New bills. (Read by title for the first time LBs 341-355 as found on pages 183-87 of the Legislative Journal.)

PRESIDENT: We will be at ease for a few minutes for referencing and receiving a few more bills.

EASE

PRESIDENT: (Microphone not activated) and capable of transacting business. I propose to sign and do sign LR 3. Would you like to continue, Mr. Clerk, please.

CLERK: Yes, Mr. President, thank you. New bills. (Read by title for the first time LBs 356-372 as found on pages 187-91 of the Legislative Journal.)

Mr. President, I have a new resolution offered by Senator Hall.

April 3, 1989

LB 44, 44A, 47, 66, 75, 78, 87
220, 240, 262, 348, 372, 399, 401
431, 438, 438A, 546, 548, 569, 569A
582, 582A, 592, 606, 608, 628, 637
681, 706, 777, 790

the time Senator Abboud can have to finish his closing.

SPEAKER BARRETT: Thank you. The question is the advancement of the bill to E & R Engrossing. All in favor vote aye...thank you. Roll call vote has been requested in reverse order. So be it. Mr. Clerk.

CLERK: (Roll call vote read. See pages 1431-32 of the Legislative Journal.) 27 ayes, 10 nays, Mr. President, on the advancement 592.

SPEAKER BARRETT: LB 592 advances. Anything for the record, Mr. Clerk?

CLERK: I do, Mr. President, thank you. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 262 and recommend that same be placed on Select File; LB 569, LB 569A, LB 606, LB 628, LB 681, LB 78, LB 438, LB 438A, LB 706, LB 47, LB 75, LB 548, LB 582, LB 582A, LB 240, LB 790, LB 777, LB 44, LB 44A, LB 637, LB 66, LB 546, LB 87, LB 220, LB 372, LB 399, LB 401 and LB 608, some of which have E & R amendments attached, Mr. President. (See pages 1432-44 of the Legislative Journal.)

Mr. President, your Committee on Health whose Chair is Senator Wesely reports LB 348 to General file with committee amendments attached. That's signed by Senator Wesely as Chair. (See page 1444 of the Legislative Journal.)

That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. As announced before recess, we will move back to LB 431 and LB 431A. LB 431, Mr. Clerk.

CLERK: Mr. President, the first item I have on 431 are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 431 be adopted.

SPEAKER BARRETT: The question is the adoption of the E & R amendments to LB 431. Those in favor say aye. Opposed no. Carried. They are adopted.

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Recorder not activated) ...from the Central Missionary Alliance in Lincoln. Would you please rise for the invocation.

PASTOR REXILIUS: (Prayer offered.)

PRESIDENT: Thank you, Pastor Rexilius. We appreciate it. Please come back and visit us. Roll call, please.

CLERK: I have a quorum present, Mr. President.

PRESIDENT: Fine. Do you have any corrections to the Journal?

CLERK: No corrections, Mr. President.

PRESIDENT: How about messages, reports, or announcements?

CLERK: Mr. President, Senator Landis has selected LB 956 as one of the priority bills for the Banking, Commerce and Insurance Committee, and Senator Langford has selected LB 348 as her priority bill.

Mr. President, Senator Beck has amendments to be printed to LB 163. I have received a report from the Ethanol Authority and Development Board; and a report from the Natural Resources Commission. Those will be on file in my office. (See page 548 of the Legislative Journal.) That is all that I have, Mr. President.

PRESIDENT: May I please introduce our doctor of the day under the south balcony, who comes from Senator Elroy Hefner's district. We have Dr. Monty Sellon who is practicing his residency here in Lincoln. Would you please stand, Dr. Sellon, and let us recognize you. Thank you for your services today. We appreciate them. We will move on to confirmation report, Mr. Clerk.

CLERK: Mr. President, the Natural Resources Committee would report on the appointments of Mr. John Mason to the Oil and Gas Commission and Mr. Raymond Hajek.

PRESIDENT: Senator Lamb, are you going to handle that, please?

PRESIDENT: Thank you. We'll move on to LB 348, please.

CLERK: Mr. President, 348 was a bill introduced by Senator Langford. (Read title.) The bill was introduced on January 11 of last year, Mr. President, at that time referred to the Health and Human Services Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending by the Health Committee.

PRESIDENT: Senator Wesely, please. Senator Wesely, before you start, (gavel). Could we hold the noise down, it's getting a little disruptive and we're having difficulty hearing the speakers. Thank you. Senator Wesely.

SENATOR WESELY: Thank you. Mr. President, members, LB 348 revisits an issue that this Legislature hasn't looked at now for about seven years, I think. In 1983, we had legislation dealing with the scope of practice of chiropractors. And, at that time, a number of changes were made in the law dealing with chiropractors, and it was quite an interesting, colorful debate as we raged through General, Select and Final Reading. I don't know if this version of the debate and discussion on this issue will be anywhere close to that one, but nevertheless we are revisiting that issue, the scope of practice of chiropractors. As originally introduced, LB 348 would have provided for chiropractors to add to their scope of practice the ability to x-ray extremities, soft tissues, and also other diagnostic procedures, primarily lab work. This concept was submitted to what we call a 407 review process; 407, as you know, is the review of scope of practice of different health practitioners. It was established by this Legislature about five years ago and has been, I think, a very effective means of screening through different requests for changes in scope of practice, either expansion of those scopes of practice or allowing new types of fields to be allowed to practice in the state. Well, through the review that was conducted of this matter, and as you know, hopefully, LB 407 reviews take three different stages. There's a Technical Advisory Committee that is formed of different health professionals to, on a professional basis, review a request. Then that recommendation goes to the Board of Health, which is a cross-section of health professionals, to review the request. And then finally the Director of Health makes the final judgment on that request. This 407 review was conducted in 1988, and so we're talking about a review that was some time ago. But it did lead to the following conclusions, that, as

originally introduced, the bill was too broad in its scope. And at first the Technical Advisory Committee didn't really act on the question of x-ray of extremities and soft tissue or labs, in particular, but as general, combined, they said they didn't support that expansion of authority. But then the chiropractors changed their proposal or demands to only wanting to have the x-ray of extremities and soft tissue. And so the Board of Health and the Director of Health, in their 407 review, did support that particular item. LB 348 includes both the x-ray of extremities and soft tissue and those lab work diagnostic provisions. So the committee amendment would delete those elements of the bill that provide for the lab diagnostic work and retain the ability of chiropractors to do x-rays of extremities. Right now, they're able to do x-rays of the axial skeleton, from the skull and down your spine. But they want the ability to do x-rays of, obviously, arms and legs. The concern, and I want to state this for the record if the legislation is passed, that this does not open up the possibility for CAT scans or MRIs or other types of diagnostic screening.

PRESIDENT: Senator Wesely. (Gavel.) Could we please hold down the conversation, it's very difficult to hear the speakers. Thank you. Senator Wesely.

SENATOR WESELY: Thank you. That we are not, by using the term x-ray, implying anything more than the fundamental concept of x-rays as we know them today and in the future. The more significant and sophisticated types of examinations would not be allowed under this, and that would be the CAT scans and all those things. Hopefully, that would be clear, but just for the record, we want to make that legislative intent there. So, very much, I would encourage the body to adopt the committee amendments which bring the bill back into the focus that the 407 review supported and indicated that they would advise the Legislature to adopt. I can tell you this, without the committee amendments, I would oppose the bill. But, with the committee amendments, I do support it and would ask your support for the committee amendments as well.

PRESIDENT: Thank you. Senator Langford, you're next, but may I introduce some guests, please, before you speak. In the south balcony, Senator Beck has some special guests, Mrs. Deb Smith and her children, Naomi, Jessica, Caleb and Zach. And Senator Ashford also has guests in the south balcony, Rita and Ann Heikle (phonetic) and John and Monica Joseph. Would you folks

all please stand and be recognized. Thank you. Senator Langford, followed by Senator Dierks, please.

SENATOR LANGFORD: I think, Mr. President, I think that Senator Wesely has given a very good overview of the committee amendments which are now the bill. I want you to understand the committee amendments are now the bill, which means that everything else has been cut out. I've been trying to decide whether to talk about it on the committee amendments or to wait. But I think I'll go ahead now and that way it will cut down some of the time. Actually, chiropractic care was licensed in Nebraska in 1915, and they practiced until 1983 with being able to x-ray. And I guess maybe sometimes we wonder about the eternal wisdom of the Legislature. But some way or another they were "delegalized" in 1983, and now they would like, again, to be able to x-ray. It doesn't make any sense to me that we will license chiropractic in this state, allow them to manipulate when they can't even x-ray to see if there is a broken bone. Now our biggest problem here is how to protect our citizens, our constituents. And I think one of the best protections we can have for those who do use chiropractic services is to allow them to x-ray, that way they won't be doing something that would be harmful. Actually, it's very imperative that we restore this part of their scope of practice. It's interesting, the only objections now, and they do not really make very good sense, are from people who are protecting their turf. I think it's a matter of being fair, we speak of that often in this Chamber. I can't tell you the number of times I've heard someone say we want to be fair. I believe that this bill and this amendment are just a way that we can try to be fair. All of the really pertinent facts Senator Wesely has brought out, the fact that Greg Wright has approved x-ray for chiropractic, the 407 has approved, so now it is up to us to do what I believe is probably the best thing for our constituents. Thank you.

PRESIDENT: Thank you. Senator Dierks, you're next. But may I introduce a guest, please. Under the south balcony, we have Mr. Rod (sic) Elznic of Geneva, Nebraska. Rod, would you please stand and be recognized. Rod's wife does all of the work in the Lieutenant Governor's Office. Rod, you're welcome to be here. Senator Dierks, please, followed by Senator Smith.

SENATOR DIERKS: Mr. President, members of the body, I stand here to support this legislation. I also support the committee amendments. The entire process is one that I think is very

simple. If you know the field of chiropractic, you understand that they are extremely well trained in the use of diagnostic x-ray. They have as much training as anybody in the health care profession concerning the use of diagnostic x-ray. And all they are asking for is the ability to use that diagnostic x-ray in taking pictures of the extremities. Now, if there is a danger involved with the use of x-ray at all, it comes in the use of that x-ray when you're x-raying soft tissue of the body, x-ray of the liver, x-ray of the kidneys, this is where the problem is, not with the extremities. Expanding this practice to the chiropractors to use x-ray of the extremities is just and it certainly is well intended. As a matter of fact, the 407 process determined that this should happen. With the advent of the adoption of these committee amendments, the bill will become one that allows them usually to use only the expanded practice of the x-ray of the extremities. And there can be nothing wrong with that. I sincerely hope that you will adopt the committee amendments and adopt the bill. Thank you.

PRESIDENT: Senator Smith, please.

SENATOR SMITH: Thank you, Mr. President. I'd like to ask Senator Langford a couple of questions, if I might and I'll move over to this other microphone. Senator Langford, I've been listening to both sides of this argument and I want to make it...I want to have it very clear for my own self. Now can you explain to me the amendments, the committee amendments would, what exactly would those amendments do? And you had an amendment, didn't you, to the bill?

SENATOR LANGFORD: Well, the amendment that I have was adopted by the committee.

SENATOR SMITH: By the committee, okay. Can you explain to me exactly what that does?

SENATOR LANGFORD: Yes. It takes out the other diagnostic processes that the chiropractors wanted. So actually what you're voting on is x-ray, that is the amendment, everything else is removed.

SENATOR SMITH: Okay, I thank you. I wanted that in the record, and if you'll just stay right there, I might ask you for a little further explanation because that has been expressed to me as a concern and a reason why I should not support the bill,

because their interpretation is that this will turn into treatment and diagnosis. So I wanted to make sure that what you're talking about here is simply x-raying, those people won't be trying to treat them based on the x-ray themselves. They would be sending, if they come up with something that would be like a broken...

SENATOR LANGFORD: Oh, yeah, if there's, if there's anything the matter with the x-ray at all, they would not try to treat a broken arm, or a broken leg. And what was so ridiculous in the law that was passed in '83, they couldn't include the skull, which is absolutely ridiculous, because trying to get the upper vertebrae they would get part of the skull, and they were not permitted to do that. And that was not in the best interests of the patient.

SENATOR SMITH: All right, I just want to have it on the record very clearly because I've had a number of letters that are all talking about the same thing, that they are concerned that they are going to...they don't receive adequate education and training to become involved in areas of diagnosis and treatment using laboratory tests and x-rays of the extremities. And they go on talking about that, and so I wanted to make sure because now what you're saying is it clearly states that it's simply doing x-rays.

SENATOR LANGFORD: Yes, and not only that, I understand a little bit about what the physicians meant. They read the original bill, they did not read the amendment, of course.

SENATOR SMITH: The amendment, okay.

SENATOR LANGFORD: And as far as training, to get into a chiropractic college, you have to have two years of college, then you go for four years, so you actually have postsecondary six years.

SENATOR SMITH: Okay, thank you very much.

PRESIDENT: Thank you. Senator Moore, please.

SENATOR MOORE: Mr. President and members, you know, this is one of those so often battle...turf battles we have to fight here in the Legislature. And, as we're all well aware of, a few years ago we passed LB 407 to try and give us some advice on what to

do. And I think that is...some accuse us of using that as a way out, others accuse us of just using that as a smokescreen when they want to do something. The fact of the matter is I have, personally, always tried to put some stock in that and let the process work. You know, I don't know medically what chiropractors should or shouldn't do. In my own mind, I've always had a little bit of a problem with them drawing blood and body fluids. But the fact of the matter is that the process worked, it came back, the Board of Health and Dr. Wright advised this language is something that the professionals in this state said they could live with and encouraged, I guess, in many ways you could say encouraged us to do. Now, as with all these turf battles, I don't know, there's not a doctor in the house here, other than the doctor of the day. Maybe they are the only person that can actually make an informed decision on what we should or shouldn't do. But, with me, I've always said until the chiropractors of this state had something to give me, to vote for something like this, I wouldn't vote for it. With the letter from the Board of Health and Dr. Wright, in my opinion, I have something that I simply can put in my hand and say someone independently, with some professional knowledge, gave us an opinion on what we should or shouldn't do with the scope of practice for chiropractors. Now is that good or bad? I don't know. I guess, I happen to think it is, if they say so. And if...Senator Langford just mentioned now to Senator Smith it does not expand what they can treat, it does not go so far as to let them draw blood, which people think is very bad, I have a problem with that, too. It basically goes back to what it was prior to 1983 and allows chiropractors to once again x-ray the whole body, and it actually, as far as I can tell, brings Nebr...allows chiropractors in the State of Nebraska what they can do in most states. And, short of the Department of Health and other experts in the field telling me this is a good idea, I would support it. But given that go ahead, I'm a person that can sit here and use the letters of these experts as proof in the pudding that this is a good thing to do. With that, I'll support it and I encourage the body to do the same.

PRESIDENT: Thank you. Senator Langford, please.

SENATOR LANGFORD: Mr. President, are there no other speakers?

PRESIDENT: No others.

SENATOR LANGFORD: Well, then I would call the question.

PRESIDENT: Well, we should let Senator Wesely close, if he'd like to.

SENATOR LANGFORD: Yes.

PRESIDENT: Okay. Senator Wesely, would you like to close on the committee amendments?

SENATOR WESELY: Yes, Mr. President, members. I would very much like to have the committee amendments adopted. As I said earlier, they reduce the focus of the bill only to the allowance of x-rays of extremities for chiropractors and take out the ability for them to do lab work. So I'd move for the adoption of committee amendments.

PRESIDENT: Thank you. The question is the adoption of the committee amendments. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

PRESIDENT: The committee amendments are adopted. Now on the advancement of the bill. Senator Wesely, on the advancement of the bill. Oh, excuse me, it's Senator Langford's bill. I'm sorry.

SENATOR LANGFORD: Mr. President, I don't think there is anything more to say. I would just ask for a vote.

PRESIDENT: Any further discussion? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Senator Langford, please.

SENATOR LANGFORD: I really hate to have a call of the house.

PRESIDENT: The question is, shall the house go under call? All those in favor...you're not going to ask for it?

SENATOR LANGFORD: Well, if we don't need it, otherwise...

PRESIDENT: Well, we've already locked the board, you shouldn't be discussing this.

SENATOR LANGFORD: Okay, I'll ask for a call.

PRESIDENT: The question is, shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 14 ayes, 1 nay to go under call, Mr. President.

PRESIDENT: The house is under call. Please record your presence. Those not in the Chamber please return to the Chamber and record your presence. Please look up to see if you have touched the magic button.

SENATOR LANGFORD: Could we have a roll call vote in reverse order, please.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Senator Lamb, please check in. Senator Lindsay, please check in. Senator Ashford, the house is under call. Senator Nelson, please check in. Senator Haberman. Senator Scofield, please record your presence. Richard Peterson, Senator Peterson, please. The question before the house is the advancement of LB 348 to E & R Initial. A roll call vote has been requested. Mr. Clerk, proceed.

CLERK: (Roll call vote taken. See page 675 of the Legislative Journal.) 25 ayes, 6 nays, Mr. President, on the advancement.

SPEAKER BARRETT: The motion prevails and the bill is advanced. The call is raised. Anything for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do. I have a reference report, Mr. President, referring certain gubernatorial appointments to the appropriate Standing Committee for confirmation hearing.

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 107 and find the same correctly engrossed; LB 187A, LB 240, LB 465 all reported correctly engrossed. That's all that I have, Mr. President. (See page 676 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Proceeding then to Item 6 on the agenda, LB 953.

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LB 163, 164, 348, 369, 953, 953A, 980
987A, 1059, 1070

SENATOR HANNIBAL: Senator Wesely, please.

SENATOR WESELY: Yes, thank you. We are to the last bill today. We appreciate all your patience. This is also the last of the three pieces of Governor Orr's "year of the family" package, the last two bills are part of it. This is the third piece. Deals with special need children. I'm carrying a bill for Governor Orr, yes. (Laughter.) This bill deals with....she doesn't it know, though. But....This bill deals with special needs children. Currently, if they are placed by public agency, the Department of Social Services special needs children can get additional assistance, private agencies don't get that assistance. This would expand, and this is a federal requirement, so we need to adopt it. And I'd move for the advancement of the bill.

SENATOR HANNIBAL: Any discussion? Seeing none, Senator Wesely, would you care to close? Senator Wesely waives closing. The issue before you is the advancement of LB 1070. All those in favor vote aye, opposed nay.

(No tape overlap. Vote on advancement of LB 1070 was 23 ayes, 0 nays.)

SENATOR HANNIBAL: The bill is advanced. I really appreciate you taking the time to stay around here. Is there anything for the record, Mr. Clerk?

ASSISTANT CLERK: Yes, Mr. President, I do.

SENATOR HANNIBAL: I've been informed that refreshments will be served in the Senators Lounge very quickly.

ASSISTANT CLERK: Mr. President, your Committee on Enrollment and Review reports LB 980 to Select File with amendments; LB 164 to Select File with amendments; LB 348 to Select File; LB 953 to Select File with amendments; LB 953A to Select File. (See pages 715-17 of the Legislative Journal.)

SENATOR HANNIBAL: The call is raised.

ASSISTANT CLERK: Senator Beyer has amendments to LB 369 that he asked to be printed; Senator Haberman to LB 1059. New A bill. (Read LB 987A by title for the first time.) Amendments to LB 163 to be printed from Senator Schimek. A report of

February 23, 1990 LB 42, 348, 896A, 923A, 923

CLERK: Mr. President, the next bill I have is LB 896A. I have no amendments to that bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 896A be advanced to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced.

CLERK: Mr. President, the next bill I have is LB 42. I have Enrollment and Review amendments only.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 42.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. They are adopted.

CLERK: I have nothing else pending on LB 42, Mr. President.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: I move that LB 42, as amended, be advanced to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced.

CLERK: I have...that's all the bill that I have, Mr. President.

PRESIDENT: Do you have something for the record, Mr. Clerk?

CLERK: Mr. President, some items. New A bill, LB 923A, offered by Senator Wesely. (Read by title for the first time as found on page 976 of the Legislative Journal.)

I have amendments to be printed from Senator Hannibal to LB 923. That's all that I have, Mr. President. I have amendments to LB 348 from Senator Wesely to be printed. That's all that I have, Mr. President. (See pages 976-77 of the Legislative Journal.)

February 28, 1990 LB 42, 315, 348, 446, 542, 662, 663A
791, 792, 863, 896A, 922, 1004, 1004A
1199
LR 262

driver, if that's who was involved, would no longer be able to drive the truck as well. If it were a secretary or somebody in that capacity, the duties of that job would not be carried out as well. So all my words will do is focus on what the words "affect the employment relationship" will mean. So if you have any questions, I am prepared to answer them.

SPEAKER BARRETT: Thank you. An amendment...or motion on the desk, Mr. Clerk.

CLERK: Mr. President, Senator McFarland would move to recess until 1:30 p.m.

SPEAKER BARRETT: You have heard the motion to recess until one-thirty. Have you matters for the record, Mr. Clerk?

CLERK: If I may, Mr. President. Your Committee on Enrollment and Review reports LB 42, LB 663A, LB 863, LB 896A, LB 922, LB 1004, LB 1004A, LB 1199, as correctly engrossed. Those are signed by Senator Lindsay. (See pages 1045-46 of the Legislative Journal.)

Mr. President, I have a corrected committee statement with respect to LB 446 offered by Senator Chizek as Chair of the committee. (See page 1045 of the Legislative Journal.)

Urban Affairs reports LB 791 and LB 792 as indefinitely postponed.

Mr. President, amendments to be printed; Senator Langford and Wesely to LB 348, Senator Labedz to LB 662, Senator Lindsay to LB 542. (See pages 1046-47 of the Legislative Journal.)

And a new resolution, Mr. President, LR 262, offered by Senators Lamb, Scofield, Dierks and Peterson. (Read brief description of LR 262. See pages 1047-50 of the Legislative Journal.) That resolution will be laid over, Mr. President. That's all that I have.

SPEAKER BARRETT: Thank you. You have heard the motion to recess until one-thirty. All in favor say aye. Opposed no. The ayes have it. Motion carried. We are recessed. (Gavel.)

RECESS

PRESIDENT: Senator Ashford.

SENATOR ASHFORD: Very briefly, Mr. President, all this amendment does is change the...it does not change the ceiling, Senator Haberman, of \$50,000 on the appropriation for operations, but what it does do is increase the amount authorized for an employee at the castle from \$11,730 to \$23,460 in the first year, and from \$12,315 to \$24,630 in the second year. This was requested by the Historical Society in order to have the requisite authorization if they need to actually have a full-time employee there. It is a simple technical adjustment and I would move the amendment. Thank you.

PRESIDENT: Thank you. Any further discussion? If not, the question is the advancement of the bill. Excuse me, the adoption of the Ashford amendment. All those in favor vote aye, opposed nay. Need a little help, please. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB...I'm sorry, on the adoption of Senator Ashford's amendment to the bill.

PRESIDENT: The Ashford amendment is adopted. Senator Ashford, on the advancement of the bill.

SENATOR ASHFORD: I just move the advancement of the bill, Mr. President. Thank you.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 348.

CLERK: Mr. President, on LB 348, first item is an amendment to the bill by Senator Wesely. Senator Wesely's amendment is on page 976 of the Journal.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Pass over that, withdraw that.

PRESIDENT: It is withdrawn.

CLERK: Mr. President, Senator Wesely and Langford would move to amend. This amendment is on page 1046 of the Journal.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Yes, is this AM2734, Mr. Clerk?

CLERK: I have 2734, Senator.

SENATOR WESELY: That's the one.

PRESIDENT: Senator Wesely, before you start, (gavel) could we hold it down please so that we can hear the speakers. Thank you. Senator Wesely.

SENATOR WESELY: Thanks again, Mr. President, members of the Legislature, as you recall, LB 348 is a bill that is a priority bill of Senator Lorraine Langford. It deals with the opportunity for chiropractors to, in diagnosis of patients, extend x-rays beyond the axial skeletal into the extremities and this would allow for, you know, arms, legs, head, in their diagnosis of patients that come before them, and it did go through the 407 review process and it was considered by the Health and Human Services Committee and the original bill had included other types of things, including lab work and what have you. That was all deleted out of the bill by the committee and it just focuses now on the x-ray issue. I did withdraw the previous amendment that dealt with a concern that has come up since the bill was advanced off General File onto Select File and that amendment raised a lot of concern and you've probably heard about it. The physicians, in particular, and others concerned about this issue wanted to see some clarity in the language of the bill that this bill deals with diagnostic purposes and x-rays and their ability to be used for diagnostic purposes and it does not deal with the scope of practice of the chiropractors, that that they would not be able to go beyond their current scope of practice just because of this bill allowing for further utilization of x-rays beyond the actual skeleton. Well, the original amendment did not meet with approval by the chiropractors, obviously, and so discussion and negotiation occurred between the chiropractors, physicians, others and Senator Langford and myself and, as a result, Senator Langford and myself are co-sponsoring this amendment. If you read it, what it talks about, and I'll just read it right now, the use of x-rays beyond the axial skeleton shall be solely for diagnostic purposes and shall not expand the practice of chiropractic to include the treatment of human ailments, disorders, and disease not permitted when the use of x-rays was

limited to the axial skeleton. We're trying to just make it very clear in a reasonable, fair fashion that because of the diagnostic expansion in x-rays we aren't also expanding the scope of practice to include things that are not now covered. The original amendment talked about fractures and tumors, infectious and contagious diseases and school physicals not being under the scope of practice of chiropractors and it was felt, rather than listing out those items, it would be better to just generally acknowledge the intent of the legislation, that it was not to expand the scope of practice. This is in keeping with two different statements made. Randy Hinze, Dr. Hinze, the President of the Chiropractic Physicians Association said, and I quote, "We asked for this expansion not to expand our scope of treatment of the patients, but rather to better serve our patients through the expanded diagnostic procedures." That is what everybody, I think, understands is the intent of this legislation. Furthermore, in the report, the 407 report that Dr. Wright issued, he said, "Nothing in this expansion diagnostic procedures should be interpreted as an expansion of the scope of chiropractic treatment that is specifically not asked for by this application. The treatment of fractures, tumors and any other complaint not amenable to the removing of any interference with the transmission and expression of nerve energy is specifically not within the scope of practice of chiropractic in Nebraska and this application does not seek to change this." In addition, Dr. Wright talked about the fact that school physicals would not be covered by the expanded diagnostic authority. So because of what was intended and discussed in the 407 review and in the report and concerns that the bill didn't actually say what had been expressed, it was felt by Senator Langford and I that this amendment would clarify that we're talking about diagnostic ability to use x-rays, the scope of practice isn't affected and, hopefully, everybody can go home and feel good about the bill. With that, I'd move for the adoption of the amendment.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you. Discussion of the Wesely amendment, Senator Langford, followed by Senator Crosby.

SENATOR LANGFORD: Actually, you all have heard from the very beginning that all this bill does is allow for a skeletal x-ray and the extremities. I'm sure you've all heard it more than you want to. However, this amendment which is jointly sponsored by

Senator Wesely and I merely repeats and clarifies what I have repeatedly stated, that is, that LB 348 does not, in and of itself, expand the scope of practice of chiropractic physicians to treat any new ills or ailments that they are not already qualified and allowed to treat. And, just as is the case in all of these scope of practice issues, it is only important you mention that we are not altering the fact whatever that scope includes or has historically included. The bill merely gives the chiropractic physician additional tools to fulfill his scope of practice.

SPEAKER BARRETT: Senator Langford, would you raise your mike just a bit. Thank you.

SENATOR LANGFORD: You didn't hear what I said? Good. I'll just say I asked your support of this mutually agreed upon amendment.

SPEAKER BARRETT: Senator Crosby, please.

SENATOR CROSBY: Thank you, Mr. Speaker and members, I just have a couple of questions, but I have to make a comment because we've had the last couple weeks in what we feel are strange combinations on this floor of sponsoring amendments and so on. I will have to say that Senator Wesely and Senator Langford have reached a new high in the odd couple category, right? I never thought I'd live to see the day when you two are out here marching together. At any rate, all I want to ask is one question and either one or both of you. Senator Wesely, would you like to...when you use the word on line 3, page...of the amendment, solely for diagnostic purposes, that's the chiropractic diagnosis, right?

SENATOR WESELY: Mmm, hmm.

SENATOR CROSBY: Right. What they need for their diagnosis as to what they will do for the patient.

SENATOR WESELY: Right.

SENATOR CROSBY: Okay. Thank you very much.

SPEAKER BARRETT: Senator Hefner, please.

SENATOR HEFNER: Mr. President and members of the body, I have a

question for Senator Wesely.

SPEAKER BARRETT: Senator Wesely, would you respond?

SENATOR HEFNER: Senator Wesely, did I hear you say now that your amendment that you have, that's been a compromise between the Medical Association and the chiropractors?

SENATOR WESELY: Right, yes.

SENATOR HEFNER: Okay. Okay, how do...one more question, how do the other states have this? I understand that there was 48 other states that have a statute like this that pertains to chiropractors. Is that correct?

SENATOR WESELY: In terms of allowing their X-rays beyond the...

SENATOR HEFNER: Yes.

SENATOR WESELY: ...axial skeletal...I, you know, I don't know.

SENATOR HEFNER: You do not know. Okay, does that mean that the Medical Association supports this bill now if we adopt this amendment or not?

SENATOR WESELY: I don't know if I'd go that far, but I don't know that they would oppose it any longer. I know that this amendment is agreed to. I really...I don't know. I know I support the bill.

SENATOR HEFNER: Okay, thank you. This is what is so tough here in the Legislature. Here we have one group urging you to oppose it and another group urging you to support it and here we, as legislators, have to make that decision and sometimes it is real hard for me to do that when I don't know that much about the medical practices. So I just wanted to bring this out and have it in the record.

SPEAKER BARRETT: Thank you. The member from Ord, Senator Rogers.

SENATOR ROGERS: Mr. Speaker and members, I'd like to ask Senator Wesely a question.

SPEAKER BARRETT: Senator Wesely, would you respond to another

question?

SENATOR ROGERS: I received a letter from a physician in my area and I'll just read you two or three lines of it, because I've heard both ways. It said, you were deluged with arguments that the Department of Health approved this change to LB 407 review process. This is not accurate. Now, is my letter inaccurate?

SENATOR WESELY: Yeah, I'm afraid it is. The 407 review has three stages. The first is a technical committee review. They did not support the changes, but then the chiroprac...and that was because it dealt with more than x-rays. It dealt also with lab work and other types of expanded scope of practice, so they did not like that. But then the chiropractors came back and said all we want is the x-rays and on that level both the Board of Health and the Director of Health did support that change. So the Director of Health being the Department of Health, I would have to say that they did support, through the 407 review, this change.

SENATOR ROGERS: Okay, then I'd like to ask you another question if you can answer it. I mean, I've been supporting the bill, but there...what qualifications or what...the nurses in a little clinic in central Nebraska, what do these nurses...what are they required to take to be able to x-ray, Senator Wesely?

SENATOR WESELY: Well, nurses have any number of different ways they can get their degrees and I'm not sure how that ties into their ability to do x-rays. We do have a bill that just went through on x-ray techs who do handle x-rays that are now going to require some training in that area and so we have tried to recognize x-rays are important and some training is required.

SENATOR ROGERS: Well, I guess what I'm trying to say, that I know in previous years that there were so-called nurses that x-rayed me that never went to school. This I know. Thank you.

SPEAKER BARRETT: The member from the 24th Legislative District, Senator Moore.

SENATOR MOORE: Yes, Mr. Speaker and members, I only pushed my button on after I heard Senator Hefner's comments, because he, you know, says that this is one of those tough issues and we've got people for it and against it like we do on so many other things, but I think, I don't know if Senator Hefner remembers

that way back when, I don't know if Senator Wesely will remember the year, we developed a process to try and take care of these arguments, the 407 process where we said that we, as legislators, shouldn't make these decisions. We don't...we're not equipped to make them, they're tough for us to make, we're going to set up a commission of professionals to look at this as professionals and make a decision. Well, we do that, then what has happened? I mean, we've had...Senator Rogers has a question, you know. If it only passed one out of three, does that mean it passed? Well, in my own definition, if it passes two out of three of the 407 hurdles, I'm going to say it passes. That is just my own definition. But I think those of us in the Legislature need to let that process work and if I may chastise both sides of the lobby on this, it seems like they need to learn how to live by the sword and die by the sword because it is one of those things where if the 407 is unfavorable, they wave that and say don't pass the bill, 407 didn't do it and then if there is one committee out of three that says, it's bad and vote, two does, they say it doesn't pass, well, I think, and it's why I am urging, I guess, the body and Senator Wesely, maybe we need to revisit this issue and say what it is that passes. Is two out of three good enough? I don't know, but I guess I further asked the lobby behind the glass, I'm not talking about this issue, I'm talking about optometrists, other issues dealing in health care as let's let that process work. If you want that process to work, you vote for this bill to begin with but there is another thing you need to work on too. I just wanted to...Senator Hefner made me think of that as he talked about his difficulty to make a decision on this. I agree with him. The professionals should make the decision on these, but we, as senators, need to back up the professionals on these issues.

SPEAKER BARRETT: Thank you. Senator Dierks, followed by Senator Lynch.

SENATOR DIERKS: Mr. Speaker and members of the body, I'd just like to remind the body that with the advent of the 407 process and with the advent of the chiropractors going through that process, going through it successfully, it would appear to me that the question should be pretty well answered for us on how we should vote on this issue. Thank you.

SPEAKER BARRETT: Thank you. Senator Lynch.

SENATOR LYNCH: Mr. President and members, I feel obliged to stand and talk about the 407 process because I think that was my idea a long time ago. And what we're talking about now with this bill in its present form is, in fact, what the 407 process agreed to. But the bill that you had before you, before it was amended with the Wesely-Langford amendment was something much different than that and for those of you who are advocates of chiropractors or anyone else, physicians, remember, that is the difference. So in the process of answering Senator Hefner's comment, I would think physicians and surgeons who had some concern with the expansion of practice that was requested by chiropractors that would, in fact, permit them not only to x-ray, but to treat those areas, caused some problems. And I want to caution all of you here, the 407 process,...and I don't think this Legislature should be involved with determining legislatively what professionals ought to do in the medical field or any other field. If they want to be something, go to school to be it, go to school so that you can get the license, go to school so you can get the certification, go to school so you can be whatever you want to be, but let's not continue to permit ourselves, this Legislature, to be used by anybody to expand a legitimate scope of practice legislatively, and then put us all, all of us amateurs, not very well equipped to debate a scope of practice act. How...you know, when does an optometrist begin and end, and an ophthalmologist begin and end, and a...wherever? The whole thing is kind of unfortunate for us, the system is unfortunate that it does not provide this legislative body with the wisdom to know all those things except that we have to have some confidence somewhere along the line, that the educational systems we have in this country do, in fact, provide education so that people can be certified at a certain point in time as competent and equipped to provide a particular service. Our job is to make sure that that level of competence is recognized and, in fact, licensed or, in fact, certified, but we should not go beyond that. We should not allow the system to be used so that people can expand that responsibility legislatively. So what we're talking about now simply is, in fact, what the 407 process said was okay to do, to x-ray the neck and x-ray the arm. A personal comment, if I could, is a chiropractor is trained by feel and touch to understand and to treat. In fact, originally the chiropractors took great pride and they were very, very successful because years ago before we had all this technology they were a skill and an art that was able to treat people without violating the body, and that was in the days when people were cut and nobody

knew for sure what would happen. Those were in the days maybe when they even made people bleed thinking it would help them survive and get well. But we've come a long way since then and it is interesting to me that a chiropractor would be authorized for diagnosis purposes to x-ray a broken arm when they can feel by...tell by touching it, I would hope that the chiropractor said the darned thing is broke and if they can't treat it, you know, send them to a doctor to get it set and fixed, but why take a picture of it and then throw the picture away unless they send the picture of the broken arm to the doctor so the doctor can maybe take another x-ray so that they can then set the bones. You know...well, that's all I wanted to say is that, you know, I'm not going to support the bill. That is the reason I heard it mentioned over here by a couple of senators that the...I guess the physicians and Nebraska Medical Association aren't going to oppose the bill, but they're not going to support the amendment and that's where we're at, ladies and gentlemen. And we've been going through this kind of silliness for a long time, not only with physicians versus chiropractors versus optometrists versus ophthalmologists, but we're going to do it forever as well...

SPEAKER BARRETT: One minute.

SENATOR LYNCH: ...and the sooner we start to understand and probably accept the responsibility we have on this floor to deal with legislation that makes sense rather than to play, I guess, college professor and authorize licensing and certification without having anything to do with the competence that people should have to do that, I think we misunderstand our responsibilities.

SPEAKER BARRETT: Thank you. Senator Schmit, further discussion. We're on the Wesely amendment.

SENATOR SCHMIT: I support the Wesely amendment. I think someone ought to set the record clear because it will come up sooner or later and John DeCamp will be accused of having taken this privilege away from the chiropractors back in 1983 just so that he could lobby to put it back in today, and that is exactly what happened. Chiropractors were doing this, plus much more, back prior to 1983. Johnny DeCamp, as Chairman of the Banking and Insurance Committee at that time, working a very close connection with several of us, limited the chiropractors' ability to practice in this area, and so today we are coming

back and giving them half, giving them back half what they had back before 1983 and I thought since that had not been mentioned that it ought to be mentioned. Thank you.

SPEAKER BARRETT: Thank you. Any other discussion on the amendment? Senator Wesely, to close, please.

SENATOR WESELY: Thank you, Mr. Speaker, members, I suppose it is an odd combination of Senator Langford and I joining forces, but similarly I guess you could say having the chiropractors and physicians agree to something is pretty odd too. We did spend some time on this. We felt, again, in fairness, that they did go through 407, that there was at least two out of three in agreement on what the change ought to be in the scope of diagnostic ability of chiropractors and yet there were still questions about how it impacted the scope of practice and actual uses of that new ability to x-ray and so I think this is a very reasonable attempt to clarify that situation. I think Senator Moore asked a question about 407 and how it works. I think it worked very well in this case because in the first review process there was great acrimony and eventually the Technical Advisory Committee said no to any change, but, in fact, that did send a message that needed to be sent to the chiropractors that they were asking for too much and they backed off of their proposal and went to what was a much more reasonable proposal which is what is this bill, after the committee amendments. And even further, there has been a desire again to clarify with this amendment and so I think with the amendment, again, physicians will not support the bill, they won't oppose it either, but I think we're in a very reasonable situation where we've tried to balance the different interests so I would very much ask your support for this amendment.

SPEAKER BARRETT: Thank you. You've heard the closing and the question is the adoption of the Wesely amendment to LB 348. Those in favor vote aye, opposed nay. Have you all voted? Record.

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of the Wesely-Langford amendment.

SPEAKER BARRETT: The amendment is adopted.

CLERK: I have nothing further on the bill, Mr. President.

March 5, 1990

LB 348, 953

SPEAKER BARRETT: Thank you. Any discussion on the advancement of the bill? Seeing none, those in favor of the advancement of LB 348 to E & R Engrossing say aye. Opposed no. Ayes have it, motion carried, the bill is advanced. The A bill, Mr. Clerk. Correction, LB 953.

CLERK: Mr. President, 953, the first order of business are enrollment and review amendments.

SPEAKER BARRETT: Senator Moore, would you handle the E & R amendments, please.

SENATOR MOORE: Mr. President, I move the E & R amendments to LB 953 be adopted.

SPEAKER BARRETT: Thank you. Any discussion? If not, shall the E & R amendments be adopted to 953? All in favor say aye. Opposed no. Carried, they are adopted.

CLERK: Mr. President, Senator Nelson would move to amend the bill. (Nelson amendment appears on page 1148 of the Legislative Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Nelson.

SENATOR NELSON: Mr. Speaker, members of the body, somewhat by the amendments that are just passed out by Senator Schellpeper, which will be following, will somewhat change my concern that I had of the bill. My amendment would simply strike the portion of the bill that addresses...takes out the four years as a spouse, and it would return to the original language in the bill. And that's all that it would simply do. As you would notice, by some of the handouts that I've prepared, I asked, on General File, how much we were talking about, or what salaries we're talking about. The answer was, I don't know. And, so I did some work and I had my aide do some work on this and found out what we were talking about. It's difficult for me to vote on something that I am not quite sure. I remember in 1986, we were told that the current employees, we didn't need to worry about it because of the fact of the increases in their salary, and then the 3 percent that they...the three years average, so we didn't need to think about that. That's what made me stop and think now. Incidentally, I somewhat feel like, or can sympathize with Ernie Chambers. I have received two letters and one telephone call. The telephone call was not necessarily the

March 8, 1990

LB 164, 164A, 259A, 260, 260A, 313, 313A
348, 542, 594, 642, 678, 843A, 855
855A, 953, 953A, 965, 980, 980A, 1032
1136, 1236
LR 239

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 843A.

SPEAKER BARRETT: LB 843A is advanced. Have you matters for the record, Mr. Clerk?

CLERK: I do, Mr. President. Amendments to be printed to LB 1136 by Senator Landis. (See page 1289 of the Legislative Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 164 and find the same correctly engrossed; LB 164A, LB 259A, LB 260, LB 260A, LB 313, LB 313A, LB 348, LB 542, LB 594, LB 678, LB 855, LB 855A, LB 953, LB 953A, LB 965, LB 980, LB 980A, LB 1032 and LB 1236, all of those reported correctly engrossed. (See pages 1289-92 of the Legislative Journal.)

I have an explanation of vote from Senator Barrett, Mr. President. (See page 1292 of the Legislative Journal regarding LB 642.)

That's all that I have.

SPEAKER BARRETT: Thank you. The Chair is pleased to note that Senator Ashford had some fourth graders from Christ the King School in Omaha, District 6, with their teacher. Are you folks still with us in the south balcony? Apparently they have just left. Mr. Clerk, LR 239CA.

CLERK: Mr. President, LR 239CA was a resolution introduced by Senators Withem, Warner, Lindsay, Barrett and Weihing. It proposes an amendment to Article VII, Sections 10 and 13 of the Nebraska Constitution as well as Article XIII, Section 1. The resolution was introduced on January 16 of this year. At that time, Mr. President, it was referred to the Education Committee for public hearing. The resolution was advanced to General File. I do have Education Committee amendments pending.

SPEAKER BARRETT: The Chair recognizes the Chairman of the Education Committee, Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker, members of the body, this is the time of year when you would rather not have your personal

vote yes, and opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 1409 of the Legislative Journal.) 28 ayes, 0 nays, Mr. President, on the confirmation of the designated gubernatorial appointments.

PRESIDENT: Excuse me. These three members are confirmed. May I interrupt for a moment and, members would you please be taking your seats. We're going to be starting Final Reading in a moment. But may I introduce some guests, please, that we have with us this morning. First of all, may we recognize our physician of the day from Senator Schmit's district, namely Wahoo, Nebraska, Doctor Veskrna. Doctor, would you please stand so we may recognize you. Thank you for your services of the day. In the south balcony we have 18 seniors from Crete, Nebraska with their instructor. Would you folks please stand so we may recognize you. And, in the north and south balconies we have members of the Youth Government Day with their chairman. Would you folks please stand be recognized. Thanks to all of you for visiting us today. If you'll take your seats, please, we'll begin Final Reading. For our visitors, Final Reading is not the most exciting part of the day. But it says in the Constitution that each bill that is passed must be read in its entirety, and I think it says distinctly, but maybe not that. It's not so distinct that you'll understand it. So the members of the Legislature must be in their seats and it's read in its entirety, believe it or not, even though it goes very fast. If you have other things to do, it might be better to come back in an hour and be in on the fighting on the floor instead of this. Proceed, Mr. Clerk.

CLERK: (Read LB 348 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 348 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 1410 of the Legislative Journal.) 37 ayes, 0 nays, 5 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 348 passes. LB 542.

CLERK: (Read LB 542 on Final Reading.)

March 19, 1990

LB 348, 542, 594, 965, 1032, 1064, 1094
1146, 1236

PRESIDENT: Senator Wesely, what do you say?

SENATOR WESELY: Yeah, lay it over.

PRESIDENT: Lay it over? It is laid over. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 348, LB 542, LB 594, LB 965, LB 1032, LB 1236 and LB 1094. Anything for the record at this time, Mr. Clerk? Then we'll move on to LB 1146.

CLERK: Mr. President, on 1146 the Enrollment and Review amendments have been adopted. There was an amendment by Senator Landis to the bill that was adopted and an amendment to the bill by Senator Schmit that was adopted. I have pending, Mr. President, a motion to indefinitely postpone that was offered by Senator Landis. Senator Schmit agreed to lay the bill over at that time.

PRESIDENT: Senator Landis, do you wish to have that withdrawn?

SENATOR LANDIS: (Microphone not activated) having it withdrawn.

PRESIDENT: Thank you. I learned something today. It is withdrawn.

CLERK: Mr. President, the next motion I have to the bill is by Senator Chambers.

PRESIDENT: Is Senator Chambers about? Not behind the glass? Senator Chambers wishes to withdraw that. That's the sign. Thank you. It is withdrawn.

CLERK: Mr. President, Senator Wesely and Senator Schmit would move to amend the bill. Senator, I've got 3043 in front of me. (The Wesely amendment appears on pages 1428-30 of the Legislative Journal.)

PRESIDENT: Senator Wesely, are you going to handle that?

SENATOR WESELY: Yeah.

PRESIDENT: All right. Please.

SENATOR WESELY: Thank you. Mr. President and members, I

March 19, 1990

LB 348, 542, 594, 965, 1032, 1090A, 1094
1236

CLERK: Just one item, Mr. President, and that is bills read on Final Reading this morning have been presented to the Governor, for her review. (Re: LB 348, LB 542, LB 594, LB 965, LB 1032, LB 1236, LB 1094. See page 1435 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Mr. Clerk, I believe we left of with LB 1090A, is that correct?

CLERK: Mr. President, it is and on LB 1090A the first order of business is consideration of an amendment to the bill by Senator Bernard-Stevens. (Bernard Stevens amendment is found on page 1435-36 of the Legislative Journal.)

SPEAKER BARRETT: (Gavel.) The Chair recognizes Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you. Members of the body, if you'll remember, on 1090 there were a few things added on and it increased the A bill slightly from about 5,000 to 390 some thousand, so a group of people obviously got together on the A bill, understanding that the bill may, in fact, be a little heavy on the bill itself and also realizing that there were things in 1090 that were very much needed particularly in regards to human relations and how we certify the teachers that are coming in to Nebraska from other states. So we did not want to jeopardize the bill. So, in essence, this amendment does two things. Number one, it sets the amendment up so that if for some reason the Governor does not like a single, a particular part of it, she would be able to use her line-item powers and line-item things back to or from whatever number she thought reasonable. It would then, thus, there is a possibility that the funding could be taken out in the areas she felt was not acceptable but it would not affect the statute of 1090. The second part of the amendment deals with the section that I had instituted which was LB 1195 and, in essence, what we agreed to do was to maintain the two sides but fund one of them. The funding would be decided by the educational consortium and it would change the A bill from what we had of a hundred some thousand dollars down to \$61,000, and that is simply the extent of the amendment. At this point I would urge the body to adopt the amendment.

SPEAKER BARRETT: Thank you. Any discussion on the amendment? Seeing none, those in favor of the adoption of the

March 21, 1990

LB 220A, 348, 369A, 542, 571A, 594, 866
880A, 958, 965, 1032, 1059, 1094, 1141
1141A, 1146, 1222A, 1236
LR 382, 383

CLERK: 25 ayes, 2 nays to go under call, Mr. President.

PRESIDENT: The house is under call. Will you please record your presence. Senator Schmit is the only one excused, so everyone else should be here. We're looking for Senator Wesely, Senator Lynch, Senator Schellpeper, Senator Pirsch, Senator Landis, Senator Emil Beyer. Senator Wesely and Senator Beyer are here now, so that is it, and there is a roll call vote. Oh, Senator Lynch is not here. I thought I saw him. Okay, we'll wait for Senator Lynch. Senator Lynch is here and the question is the advancement of the bill. Roll call vote in regular order. If you'll hold it down so the Clerk can hear your response. Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1547-48 of the Legislative Journal.) 34 ayes, 12 nays, Mr. President, on the advancement of LB 1059.

PRESIDENT: The bill is advanced. Anything for the record, Mr. Clerk, at this time.

CLERK: I do, Mr. President.

PRESIDENT: The call is raised.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 220A and find the same correctly engrossed, LB 369A correctly engrossed, LB 880A correctly engrossed and LB 1146 correctly engrossed, those signed by Senator Lindsay. Enrollment and Review reports LB 1141 to Select File with E & R amendments, LB 1141A, LB 958, LB 571A, LB 1222A to Select File. (See page 1548 of the Legislative Journal.)

A communication from the Governor to the Clerk. (Read communication. Re: LB 348, LB 542, LB 594, LB 965, LB 1032, LB 1236 and LB 1094. See page 1549 of the Legislative Journal.)

Two study resolutions, Mr. President, will be referred to the Exec Board. (Re: LR 382, LR 383. See pages 1549-50 of the Legislative Journal.)

Senator Lamb has amendments to be printed to LB 866. (See page 1551 of the Legislative Journal.) That's all that I have.